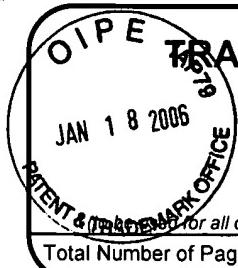


Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



Total Number of Pages in This Submission **6**

Application Number	10/705,250
Filing Date	November 10, 2003
First Named Inventor	Hiatt et al.
Art Unit	2125
Examiner Name	S Shechtman
Attorney Docket Number	2269-5558A US (99-0253.00/US)

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Reply Brief <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		
<p>The Commissioner is authorized to charge any additional fees required but not submitted with any document or request requiring fee payment under 37 C.F.R. §§ 1.16 AND 1.17 TO Deposit Account 20-1469 during pendency of this application.</p>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm *Brick Britt, P.C.*

Signature *Brick G. Power*

Printed Name *Brick G. Power*

Date **January 18, 2006** Reg. No. **38,581**

CERTIFICATE OF MAILING

Express Mail Label Number: **EL994845017US**

Date of Deposit: **January 18, 2006**

Person Making Deposit: **Tim Palfreyman**

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:

Hiatt et al.

Serial No.: 10/705,250

Filed: November 10, 2003

For: HANDLING SYSTEM FOR USE
WITH PROGRAMMABLE MATERIAL
CONSOLIDATION SYSTEMS AND
ASSOCIATED METHODS

Confirmation No.: 3203

Examiner: S Shechtman

Group Art Unit: 2125

Attorney Docket No.: 2269-5558A US

NOTICE OF EXPRESS MAILING

Express Mail Mailing Label Number: EL994845017US

Date of Deposit with USPS: January 18, 2006

Person making Deposit: Tim Palfreyman

REPLY BRIEF

Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attn: Board of Patent Appeals and Interferences

Sir:

This REPLY BRIEF is being submitted within two months of the November 18, 2005,
mailing date of the Examiner's Answer of November 18, 2005, and in accordance with the
requirements of 37 C.F.R. § 41.

Appellants note the erroneous application numbers that appear in the heading of each page of the APPEAL BRIEF and thank the Examiner for his attention to detail in that regard.

VII. ARGUMENT

It is asserted at page 8 of the Examiner's Answer that "the Aronsatein reference clearly does teach a programmed material consolidation process." Specifically, the Examiner has asserted that photolithography apparatus are capable of programmed material consolidation. Examiner's Answer, page 8. In support of these assertions, the Examiner cites a large part of the text of Aronsatein. The cited text supports the notion that the disclosed system operates under control of a computer, and even that various components of that system, including photolithography apparatus, may operate under computer control.

While photolithography includes consolidation of previously unconsolidated material, and while photolithography apparatus may operate under control of a computer, photolithography processes do not include programmed material consolidation. Nor does Aronsatein expressly or inherently describe or teach or suggest that photolithography processes comprise programmed material consolidation. Rather, photolithography processes are effected by exposing selected regions of a photoresist through a mechanical reticle to an appropriate wavelength of radiation and developing the exposed photoresist, among other things. Exposure of the photoresist is mechanically limited, by a reticle. In developing the photoresist, at least initially, all of the photoresist is exposed to the developers. Any selectivity thereafter occurs chemically or mechanically, as photoresist that is not wanted is washed away.

Therefore, photolithography processes do not comprise programmed, or programmable, material consolidation.

While photolithography apparatus may be included in the system of Aronsatein, they do not comprise fabrication sites for effecting a programmed material consolidation process, as would be required to uphold the 35 U.S.C. § 102(b) rejections of claims 1-23, which are drawn to programmable material consolidation systems, and the 35 U.S.C. § 103(a) rejections of claims 24-33, which recite programmed material consolidation methods.

In view of the foregoing, along with the arguments that were presented in the APPEAL BRIEF that has been filed in the above-referenced application, it is respectfully requested that the 35 U.S.C. § 102(b) rejections of claims 1-23 and the 35 U.S.C. § 103(a) rejections of claims 24-33 be reversed and that each of these claims be allowed.

XI. CONCLUSION

It is respectfully submitted that:

- (A) Claims 1-23 recite subject matter that, under 35 U.S.C. § 102(b), is novel and, thus, patentable, over the subject matter described in Aronsatein; and
- (B) Under 35 U.S.C. § 103(a), the subject matter to which each of claims 24-33 is directed is non-obvious and, thus, patentable over the subject matter taught in Caccoma, in view of teachings from Aronsatein.

In view of the foregoing, it is respectfully requested that the Examiner's rejections of claims 1-33 be reversed and that each of these claims be allowed.

Respectfully submitted,



Brick G. Power
Registration No. 38,581
Attorney for Applicants
TRASKBRITT, PC
P.O. Box 2550
Salt Lake City, Utah 84110-2550
Telephone: 801-532-1922

Date: January 18, 2006

BGP/eg

Document in ProLaw